

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

MAY 4, 2010

The following is a summary of the May 4, 2010 Meeting:

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Frank Linkous, Joseph Buchanan, Gerald Kendrick, Ricky O'Quinn, and Arvil McConnell, Jr. Also present were Mary Gibson, Regulatory Boards Administrator, Sharon Pigeon, Assistant Attorney General, Butch Lambert, DMME Deputy Director and Steve Walz, DMME Director.**
- II. Opening statement delivered by Frank Linkous, Chairman.**
- III. Motion made and seconded to accept May 4, 2010, meeting agenda and approve April 6, 2010, meeting summary. All members were in favor to approve.**
- IV. Review of cases of Virginia certificate holders
John K. Beasley**

The case has been rescheduled at the request of Mr. Beasley's counsel to a time amenable for both parties.
- V. Mike Abbott presented Barry Jessee with a plaque as a token of appreciation on behalf of DMME and the Board of Coal Mining Examiners for his role in the video produced and currently airing on WCYB television station. Mike commended Barry for his exceptional role in portraying his own personal experiences of addressing substance abuse in mining as it impacts safety in the lives of our miners in our community. The Board members expressed their appreciation and encouragement to Barry also.**
- VI. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

VII. Open Agenda

The Board reviewed the concurrent Virginia General Assembly Senate and House bills that acted to amend provisions of the Mine Safety Act related to substance abuse and requirements for advanced first aid certification for surface foreman. Mary Gibson called for clarification and the Board agreed that the surface foreman examination will retain the first aid section as is currently composed.

The drug screening panel is amended from an 11-panel to 10-panel screening, and allows for the Board through rulemaking to set up panel changes as needed. The bills will become law on July 1, 2010. Other changes are the requirement for review of substance abuse screening program with all miners at time of employment and annually thereafter; and the requirement that notification to the DMME of positive results be accompanied by a record of the test showing the positive results. Mr. Linkous plans to issue an Operators Bulletin advising industry on the changes of the substance abuse law and to encourage a specific approach in implementing the changes. The remainder of the amending of the law addressed clarification of existing health and safety standards.

DM will prepare a complete review for the June BCME meeting of the disbursement of the oxycontin settlement grant funds. Also, the concept of the creation of series of flyers will be presented as the next project for promoting substance abuse awareness and prevention. Of the two concurrent grants, Webb grant and McDonnell grant, which administer the funds, DMME directly administers the McDonnell grant and partners in the administration of the Webb grant. DM has just been advised that disbursement of funds under the Webb grant has been put on hold. The McDonnell grant presently pays for two treatment assessments and all drug screens for miners in substance abuse treatment agreements. DMME works with providers for special consideration and recommendation of additional financial assistance for those miners nearing return to work status.

The Board clarified that those miners who have signed an agreement, but have dropped out of their treatment program and certification subsequently revoked, but who have been encouraged to return to reenter the agreement/program, will not be required to again appear before the Board to reenter the program.

Mr. Linkous shared the substance abuse statistical spreadsheet and report on the work of the BCME Board with the Coal Mine Safety Board at their April meeting. He highly praised the BCME Board for their value in addressing substance abuse in mining. DMME Director Steve Walz shared the heartfelt thanks of the DMME for the work and effort of the Board, especially for the challenging cases. He stated that the Governor's office through his Chief of

Staff and the Secretary of Commerce and Trade recently expressed thanks to DMME staff as well as this Board for their critical work towards mine safety.

VIII. Next Meeting

Next meeting will be June 1, 2010.

IX. Adjournment

Meeting adjourned at 11:45 AM.